

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ROSS B. SHAPIRO, MICHAEL A. GRAMINS,  
AND TYLER G. PETERS,

Defendants.

No. 1:15-cv-07045-RMB-JCF

**ORAL ARGUMENT REQUESTED**

**DEFENDANT TYLER PETERS' MOTION TO DISMISS THE COMPLAINT**

Defendant Tyler Peters hereby moves to dismiss this action with prejudice in so far as asserted against him for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). The grounds for Defendant Tyler Peters' motion are set forth in the accompanying supporting Memorandum of Law and the Declaration of Brett D. Jaffe.

This motion is submitted in accordance with the briefing schedule set forth in the Case Management Plan entered by Magistrate Judge James C. Francis IV, dated November 4, 2015 (ECF No. 43), as amended by orders dated January 27, 2016 (ECF No. 67); February 19, 2016 (ECF No. 66); July 14, 2017 (ECF No. 89); September 6, 2017 (ECF No. 94); and October 12, 2017 (ECF No. 95).

Dated: October 27, 2017

Respectfully Submitted,

**ALSTON & BIRD LLP**

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